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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,573	03/07/2002	Carl Joseph Kraenzel	23452-146	7969

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EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/091,573

Applicant(s)

KRAENZEL ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,12,14,15,17-19,21,25-27,29-31,33 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,8,12,14,15,17-19,21,25-27,29-31,33 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 1/11/07 has been entered. Claims 1-2, 4-6, 8, 12 (method), 14-15, 17-19, 21, 25 (system), and 26-27, 29-31, 33 and 37 (computer program product) are active and are rejected as followed. Claims 3, 7, 9-11, 13, 16, 20, 22-24, 28, 32 and 34-36 have been canceled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37.CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4-6, 8, 12 (method), 14-15, 17-19, 21, 25 (system), 26-27, 29-31, 33 and 37 (product) are rejected under 35 U.S.C. 103(a) as being unpatentable over TANG et al.

As of 1/11/07, claim 1 is as followed:

1. (Currently Amended) A computer-implemented method, comprising the steps of:

(a) enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;

(b) storing declared topics and their associated information; monitoring the computing activities of a user;

(c) determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information; and

(d) notifying the computer user of the existence of the declared topic if it appears that the is interested in the declared topic.

Similarly, in a system/method for enabling awareness of others working on similar tasks in a computer working environment (collaborative computer system), **TANG et al** discloses a computer implemented method, comprising the steps of:

(a) enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a application type, or one or more words about application's name or other matching criteria;

{see col. 14, lines 5-25}

(b) storing declared topics and their associated information; monitoring the computing activities of a user;

{see col. 14, lines 5-25}

monitoring the computing activities of a user of a computer;

{see col. 3, lines 25-45, col. 5, lines 1-30, Fig. 7 ("145 Activity Monitor")}

(c) determining if the computer user appears to be interested in a declared topic based on the monitored activities and based on information stored in a database that is associated with the declared topic; and

{see col. 3, 50-55 "... determining task proximity between different users...", col. 5, lines 1-55, col. 14, lines 20-30}

(c.) notifying (informing) the computer user that the topic has been declared if it appears that the computer user is interested in the declared topic.

{see Fig. 1, element (20) "Encounter", Figs. 3, 4, col. 4, 30-50}

"... for informing the current worker which other worker are task proximate ...", col. 5, lines 1-65}. Note on col. 5, lines 1-67, TANG et al discloses various parameters for carrying out the step of determining if the user appears to be interested or task proximity such as the application (data), function (task) and time similarity (or constraint). Therefore, the selection of any of the determining variables or parameters, i.e. number of similar tasks or functions, would have been obvious to a skilled artisan as mere routine experimentations since this depends on degree of accuracy or effectiveness of the task proximity or related determination.

TANG et al fairly teaches the claimed invention except for the different features in (a) of topic description and keywords relating to the topic. However, in view of the general teachings of col. 14, lines 5-25, TANG et al discloses the comparing with previous stored type of application, application name, or other matching criteria, since the name or title of the application normally contains keyword or topics, it would have been obvious to a skilled artisan to modify the teachings (matching criteria) to include well known parameters for searching and matching such as topic description or keywords relating to the topics as mere using other similar terms.

As for dep. claims 2, 4-6 (part of 1 above), which deals with well known monitoring user activities (profiles/information/data) parameters, i.e. messages including e-mails, instant messages, etc., the monitoring and tracking of user data (accessing/retrieving) is taught in col. 3, lines 25-30 " ... *type of work they are doing, such as the data they are accessing.*", col. 5, lines 25-30 "... *accessing the same web*

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page or email message ...". Col. 5, lines 45-65 and col. 6, lines 50-57. TANG et al fairly teaches the concept of content extraction to determine task proximity. Therefore, it would have been obvious to apply the same data content extraction method to other communication data such as e-mails, instant messages, etc. as mere using other similar user information /data.

As for dep. claims 8, 12 (part of 1 above), which deals with steps (b) determining proximity/interested level parameters and (c) notifying others parameters, These parameters are fairly taught in col. 6, line 22 to col. 7 line 35, Fig. 2 (20), Figs. 3-4, Fig. 5a/5b (18) "Mode of awareness", Fig. 9. "Level of activity". The use of other similar determining or notifying parameters would have been obvious to a skilled artisan as routine experimentations to determine effective results for various applications.

As for independent system claim 14, which is the system to carry out the method of independent method claim 1 above, it's rejected over the system of TANG et al in order to carry out the method as rejected in claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up a system in TANG et al to carry out the steps in the rejection of claim 1 above.

As for dep. claims 15, 17-19, 21, 25 (part of 14 above), which have similar limitation as in dep. claims 2, 4-6, 8 and 12 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 2, 4-6, 8 and 12 above.

As for independent product claim 26, which is the computer program product being embodied in a computer readable medium and comprising the computer instructions for carry out the method of independent method claim 1 above, it's rejected

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over the computer program product of TANG et al to carry out the method as rejected in claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up a computer program product in TANG et al to carry out the steps in the rejection of claim 1 above.

As for dep. claims 27, 29-31, 33, and 37 (part of 26 above), which have similar limitation as in dep. claims 2, 4-6, 8 and 12 (part of 1 above), they are rejected for the same reasons set forth in the rejections of dep. claims 2, 4-6, 8 and 12 above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. US 6,317,722, Jacobi et al., is cited to teach well known steps of monitoring user profiles contained in database to make recommendations for items of interest on the Internet.

Response to Arguments

7. Applicant's arguments filed 1/11/07 have been fully considered but they are not persuasive. Applicant's comment that TANG et al fails to teach the amended claims are not persuasive in view of the rejections above.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

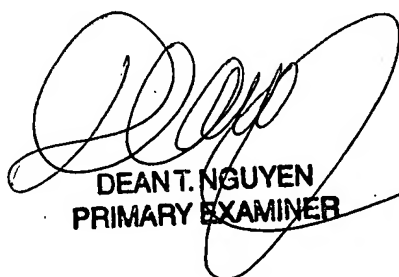
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn



DEAN T. NGUYEN
PRIMARY EXAMINER